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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.

Plaintiff,

v.

TEXTRON, INC.

Defendant.

Case No. C-04-5098 EMC

Judge: Hon. Edward M. Chen

**STIPULATION TO EXTEND EXPERT
DISCOVERY CUTOFF AND DEADLINE
FOR FILING PRETRIAL STATEMENT
TO ACCOMMODATE SCHEDULING OF
EXPERT DEPOSITIONS ; ORDER**

TEXTRON INC., a Delaware Corporation,

Counterclaimant,

v.

TK POWER, INC., a Nevada Corporation,

Counterdefendant.

Plaintiff TK Power, Inc. and Defendant Textron, Inc., by and through their respective

Stipulation to Extend Expert Discovery Cutoff and
Deadline for Filing Pretrial Statement

undersigned counsel, hereby stipulate and agree to the extension of deadlines as set forth below. The parties respectfully request that the Court enter the attached Order to effectuate the Parties' agreement.

The need for these extensions is to accommodate a large number of expert depositions that need to occur in a very short period of time. Between the parties, nine depositions need to occur. The parties have worked cooperatively to establish a deposition schedule that accommodates the schedules of these witnesses and counsel. The parties have agreed on a proposed schedule that will accommodate everyone's needs. Under that schedule, critical depositions will be completed by April 12, 2006. In light of this, the parties have agreed to extension of the expert discovery cutoff through April 12, 2006 to accommodate this proposed deposition schedule. Currently, the expert discovery cutoff is March 31, 2006.

The parties also have agreed to an extension of the deadline to file and serve a joint pretrial statement. Currently, the deadline for filing a joint pretrial statement is April 7, 2006. Given the proposed deposition schedule described above, such a statement filed April 7, 2006 would lack critical information that would undoubtedly be useful to the Court. Therefore, the parties have agreed to extend the deadline through April 17, 2006. With such an extension, the pretrial statement can include all information that it should include.

The parties have worked hard and in a cooperative fashion in order to see that expert depositions are completed as promptly as possible. The parties respectfully request that the Court enter the attached Order, which reflects the parties' agreements.

IT IS SO STIPULATED.

DATED: March 20, 2006

TUCKER ELLIS & WEST LLP

By: _____/S_____
Jeffrey A. Healy
Attorneys for Defendant E-Z-GO, a
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CORNERSTONE LAW GROUP

By: _____/S_____
John C. Brown
Attorneys for Plaintiff TK POWER, INC.

ORDER

Pursuant to the foregoing stipulation, IT IS ORDERED that the expert discovery cutoff is set at April 12, 2006, and the date for service and filing of a joint pretrial statement is continued to April 17, 2006. Objections to exhibits, etc. as stated on p. 5 of the First CMC order shall be filed and served by 4/20/06. All other dates remain the same.

Dated: ____ March 22 ____, 2006

